



City of Albuquerque

Legislative File Number O-05-149 (version 2)

CITY of ALBUQUERQUE SIXTEENTH COUNCIL

**Amending ROA 1994 to Allow City Residents an Exemption From Paying to Park in
a Space Regulated by a Parking Meter When Parking an Alternative Fuel Vehicle
(Heinrich)**

CITY of ALBUQUERQUE SIXTEENTH COUNCIL

**AMENDING SECTIONS 8-1-1-2 ROA 1994 AND 8-5-1-5 ROA 1994 TO ALLOW
CITY RESIDENTS AN EXEMPTION FROM PAYING TO PARK IN A SPACE
REGULATED BY A PARKING METER WHEN PARKING AN ALTERNATIVE
FUEL VEHICLE; PROVIDING DEFINITIONS.**

**BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
ALBUQUERQUE:**

Section 1. Amend Section 8-1-1-2 ROA 1994 to read as follows:

“§ 8-1-1-2 DEFINITIONS.

**(A) For the purpose of this Traffic Code, the following definitions shall
apply unless the context clearly indicates or requires a different meaning.**

**(B) Words and phrases defined in state statutes which regulate operation
of vehicles will be understood to have the same meaning ascribed to them as in
the state statutes, unless otherwise defined in this code.**

**ACCIDENT. An accident is the touching or scraping of a vehicle or a bicycle
against any other vehicle, bicycle, person or object, whether intentionally or
negligently.**

ACIDS. See CORROSIVE LIQUIDS.

ALLEY. A public way within a block primarily intended for service and access to abutting property by vehicles.

ALTERNATIVE FUEL. A fuel other than gasoline, diesel fuel or a 100% petroleum fuel, including but not limited to ethanol, natural gas, biodiesel, electricity or propane.

ALTERNATIVE FUEL VEHICLE. Any dedicated, flexible-fuel, or dual-fuel vehicle designed to operate on at least one alternative fuel.

ASTRIDE. With one leg on each side.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, police vehicles, ambulances and such emergency vehicles of municipal departments or public service corporations as are authorized or designated by the Commissioner of the Department of Motor Vehicles, Chief of the New Mexico State Police or by the Mayor or his designated representative.

BAIL BOND. A contract between a surety and the city to the effect that the accused and the surety will comply with all the conditions of the bond which subjects the bond to forfeiture if not followed.

BICYCLE. Every pedal-powered device propelled by human power upon which one or more persons may ride; having two wheels, both being 18 inches or more in diameter; or having three wheels, all being 18 inches or more in diameter, a width of 32 inches or less, a length of 70 inches or less, handle bars, a seat which is approximately above the pedals as though designed for a two-wheel bicycle and a seat in which the base of the seat is 30 inches or more from the ground beneath it; or having two wheels and being so designed and constructed that the bicycle is capable of being folded into a compact unit. Every other pedal-powered device shall be deemed a toy regardless of size or number of wheels.

BICYCLE LANE. A portion of the roadway, designated by signs, markings, physical separations, or reflectorized buttons, for the use of bicyclists only.

BICYCLE PATH. A publicly owned and maintained path or way primarily used by bicyclists which may be shared with pedestrians or, if designated by

sign, for the use of bicyclists only.

BICYCLE ROUTE. A street shared by bicycles and vehicles which is designated as a "bicycle route" by sign or stencil on the pavement.

BICYCLE REGISTRATION TAG. A plate or any sticker, tag or other device to be used instead of a plate, issued by a governmental organization and bearing a registration number, date, and the name of the governmental organization from which it was issued.

BLOCK. That portion of a roadway between two intersections.

BRIDLE PATH. A publicly owned and maintained path, way or trail primarily used by horseback riders and may either be shared with pedestrians or, if designated by sign, for the use by horseback riders only.

BUS. Every motor vehicle designated for carrying ten or more passengers and used for transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

BUSINESS DISTRICT. The territory contiguous to and including a roadway when, within any 300 feet along such roadway, there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, and public buildings which occupy at least 50% of the frontage collectively on both sides of the roadway.

CARGO TANK. Any tank designed to be permanently attached to any motor vehicle in which is to be transported any flammable liquid, corrosive liquid, or compressed gas.

CENTRAL BUSINESS DISTRICT. All streets and portions of streets within the area described as follows: Beginning at a point on the north side of Lomas Blvd. and the west edge of A.T.&S.F. right-of-way; south along the west edge of A.T.&S.F. right-of-way to south side of Coal Ave.; west along south side of Coal Avenue to west side of Eighth Street; north along west side of Eighth Street to north side of Lomas Blvd.; east along north side of Lomas Blvd. to the west edge of the A.T.&S.F. right-of-way, the place of beginning.

COMMERCIAL VEHICLE. Every vehicle designed, maintained or used

primarily for the transportation of property but not a one-half or three-quarter ton pick-up truck.

CONSTRUCTION ZONE. Any highway, street or roadway designated by appropriate signs, barricades, markings, flagmen or traffic control device clearly stating "Construction Zone" for the general purpose of repair or reconstruction of the highway, street or roadway.

CONTROLLED ACCESS STREET. Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such highway, streets or roadway.

CONVERTER GEAR. Any assemblage of one or more axles with a fifth wheel mounted thereon designed for use in combination to support the front end of a semi-trailer but not permanently attached thereto.

CORROSIVE LIQUIDS. Those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action, or in case of leakage will materially damage or destroy either other freight or a roadway by chemical action or are liable to cause fire when in contact with organic matter or with certain chemicals.

CROSSWALK. That part of the roadway at an intersection included within the prolongation or connection of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. Any portion of a roadway, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of passengers or materials.

CURTILAGE ZONE. Any area surrounding a marked construction zone, that is effected by increased traffic from a construction zone, which has been

designated by appropriate signs, barricades, markings, flagmen or traffic control device as a "Double Fine Zone."

DAYTIME. Daytime means from a half hour before sunrise to a half hour after sunset.

DEALER. Any person who sells or delivers a product for compensation.

DISABLED PERSON. Any person who has suffered the loss or the complete and total loss of use of one or both legs at or above the ankle or one or both arms at or above the wrist.

DIVIDED STREET. A street which is either divided by a raised median or by painted lines separated by more than four feet in width.

DOUBLE FINE ZONE. Any construction zone or curtilage zone marked by appropriate signs barricade, markings, flagman or traffic control device which clearly mark the beginning and end of the Double Fine Zone for the general purpose of repair or reconstruction of the highway, street or roadway.

DRAFT ANIMAL. Any animal which is harnessed to pull a load.

DRAG RACE. The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or power of acceleration of a vehicle or vehicles within a certain distance or time limit. (See also RACE.)

DRIVER or OPERATOR. Every person who drives or is in actual control of a vehicle.

DWI. Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, narcotic drug, or other drug or any combination thereof.

EXPLOSIVES. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, or nitrogen fertilizer.

FARM TRACTOR. Every motor vehicle designed and used primarily as a

farm implement for drawing plows, mowing machines and other implements of husbandry.

FLAMMABLE SOLID. A solid substance other than one classified as an explosive which is liable, under conditions incident to transportation, to cause fires through friction, absorption of moisture, spontaneous chemical changes or as a result of retained heat from the manufacturing or processing.

FOOTPATH. A path, way or trail designated by sign for the use of pedestrians only.

FREEWAY. Interstate 25 or Interstate 40.

FREIGHT CURB LOADING ZONE. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

FUEL TANK. A fuel tank is one used to transport flammable liquid, combustible liquid, or compressed gas solely for the purpose of supplying fuel for the propulsion of a vehicle.

GLOVE COMPARTMENT. Any storage compartment of any size, either with or without a door, either in the cab of a truck or in the driver's or passenger's areas of a vehicle.

GROSS VEHICLE WEIGHT RATING (GVWR). LESS THAN 10,000 POUNDS: A vehicle with the manufacturers gross weight rating less than 10,000 pounds.

GROSS WEIGHT. The weight of a vehicle unloaded plus the weight of any load thereon. The weight of the converter gear shall be added to the gross weight of the pulling vehicle.

HIGHWAY. Same as **PUBLIC WAY**.

HYBRID VEHICLES. An automobile powered by a combination of gasoline and electricity.

INTERSECTION. The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways

joining at any other angle may come in conflict.

INTERSTATE. The roadways known as Interstate 25 or Interstate 40.

LANED ROADWAY. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

MOPEDS. A motor scooter or motorized bicycle which has a motor of less than 1.5 horsepower or a motor displacement of less than 50 cubic centimeters.

MOTORCYCLE. Every motor vehicle having a saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.

MOTORIST. Every person who drives or is in actual physical control of a motor vehicle.

MOTOR SCOOTER. A motorcycle which has a motor of less than five horsepower or a motor displacement of less than 125 cubic centimeters.

MOTOR VEHICLE. Every vehicle which is either propelled by electric power obtained from overhead trolley wires but not operated upon rails, or self-propelled by an internal combustion engine or electric motor power and includes any connected trailer or semi-trailer.

NIGHTTIME. Any time other than designated as daytime.

OFFICIAL TIME STANDARDS. Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use.

OFFICIAL TRAFFIC CONTROL DEVICE. Same as TRAFFIC CONTROL DEVICE.

OFFICIAL TRAFFIC CONTROL SIGNAL. Same as TRAFFIC CONTROL SIGNAL.

OPERATOR. See DRIVER.

OWNER. A person who holds any legal title or officer, manager, co-owner, co-partner, trustee, receiver, member of association of any entity holding legal title. In the event of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of conditions with an immediate right of possession in the vendee or lessee, then such vendee or lessee or

mortgagor shall be deemed the owner.

OXIDIZING MATERIALS. An oxidizing material is a substance such as chlorate, permanganate, peroxide, or nitrate that yields oxygen readily to stimulate the combustion of organic matter.

PARK or PARKING. When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

PARKING METER. Any mechanical device or meter placed or erected for the regulation of parking by authority of this ordinance.

PASSENGER CURB LOADING ZONE. A place adjacent to a curb for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN. Any person afoot.

PERSON. Every natural person including, but not limited to, any partner, officer or trustee for any firm, co-partnership, co-operative, association, corporation, estate, trust, receiver, club, company, joint venture, syndicate, firm, or other entity.

PETROLEUM. Includes gasoline, diesel fuel or any other petroleum-derived product.

POLICE OFFICER. Every officer of the municipal police department or any person authorized by the Chief of Police to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD or PRIVATE DRIVEWAY. Every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

PUBLIC GROUNDS. All public grounds owned and under the control of the city or any other governmental agency that are open to the use of the public.

PUBLIC HOLIDAYS. New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

PUBLIC PARKING LOT. A parking lot normally open to the public, whether privately or publicly owned or maintained.

PUBLIC WAY. The entire width between the property lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, notwithstanding that same may be temporarily closed for the purpose of construction, reconstruction, maintenance, alteration or repair. The public way shall include the unused right of way, publicly owned parking lots normally open to the public and public grounds.

RACE. The use of one or more vehicles in a manner to outgain or outdistance another vehicle, prevent another vehicle from passing, arrive at a given destination ahead of another vehicle or test the physical stamina or endurance of drivers over long distance routes. (See also DRAG RACE.)

RAILROAD. A carrier of persons or property upon cars, operated upon stationary rails.

RAILROAD SIGN or SIGNAL. Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

RAILROAD TRAIN. A steam, diesel, electric, or other motor engine with or without cars coupled thereto, operated upon rails.

RECOGNIZANCE. An obligation requiring the accused to appear at all appropriate times and places or forfeiture any bail and subject himself to criminal penalty for failure to appear.

RELEASE ON PERSONAL RECOGNIZANCE or RELEASE ON OWN RECOGNIZANCE. The release of a defendant without bail, bailbond or sureties upon his promise to appear at all appropriate times and places, and which subjects him to criminal penalty for failure to appear.

RESIDENCE DISTRICT. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is, in the main, improved with a residence or residences.

RIGHT OF WAY. As between two or more vehicles, bicycles, or pedestrians, the privilege of the immediate use of the roadway.

ROADWAY. That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

ROADWORK SITE. Any place on a highway where construction, maintenance or repair requires workers, vehicles or equipment to be in the roadway or on an adjacent shoulder.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians, and which is protected, or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SCHOOL BUS. Any motor vehicle, whether privately owned and operated for compensation or publicly owned, which is generally used to transport children, students or teachers to and from school or school activities.

SEMI-TRAILER. Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

SIDEWALK. That portion of the street between the curb lines or the lateral lines of the roadway and the adjacent property lines intended for the use of pedestrians.

SLOW MOVING TRAFFIC. That traffic which is traveling at least ten miles per hour less than the posted speed limit.

STOP. Complete cessation of movement.

STOP INTERSECTION. An intersection in which the traffic is controlled by one or more stop signs.

STOP, STOPPING or STANDING. When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police

officer or traffic-control sign or signal.

STREET. Same as **PUBLIC WAY.**

TAXICAB. A passenger automobile used in the transportation of persons for hire.

TIME STANDARDS. See **OFFICIAL TIME STANDARDS.**

TOY. Any nonmotorized device intended to be used primarily as a toy, or any bicycle not meeting the size standard as required by the definition of "bicycle" in this section.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any public way for purposes of travel.

TRAFFIC CONTROL DEVICES. All signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

TRAFFIC CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAILER. Every vehicle either with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and which includes house or camp trailers.

TRUCK. Every motor vehicle designed, used or maintained primarily for the transportation of property.

UNATTENDED VEHICLE. Any vehicle is unattended whenever a driver is not in a position or in adequate mental or physical condition to observe the vehicle at all times or is not in adequate mental or physical condition to drive the vehicle if necessary.

U-TURN. A turn by which a vehicle initially travels in one direction, makes a movement resembling the letter "U," and upon completion of such movement, travels in the opposite direction to the direction of travel in which the vehicle was traveling prior to the start of the turning movement.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway, except devices moved by human power or used exclusively upon stationary rails or tracks.

WORKER. Any pedestrian officially engaged in work or its supervision or inspection at a road work site.”

Section 2. Section 8-5-1-5 ROA 1994 is amended to read:

“§ 8-5-1-5 METER PARKING, EXPIRED METER.

(A) Except in a period of emergency determined by an officer of the Fire Department or Police Department, or except in compliance with a uniformed police officer engaged in directing traffic, any vehicle, except a motorcycle, motorscooter or moped, parked or standing in a space regulated by a parking meter between the hours and on the days specified on the meter shall be lawfully parked or standing only when the owner, operator or driver of such vehicle, upon parking or standing a vehicle in the metered parking space, shall immediately deposit legal coin or coins of the proper denomination as specified on the meter regulating such parking space. Failure to deposit the proper coin or coins as required shall constitute a violation of this section, with the exception that drivers of motorcycles, motor scooters or mopeds shall be exempt from parking fees while parked at metered parking spaces prior to the expiration of the meter's specified time for legal parking. When the "VIOLATION" indicator is showing, it shall be presumptive evidence that any vehicle, except a motorcycle, motorscooter, or moped found parked or standing in a regulated metered space is parked or standing in violation of this section. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles.

(B) An alternative fuel vehicle with GVWR less than 10,000 pounds or a hybrid vehicle that is registered in the State of New Mexico to a city resident is exempt from paying to park in a space regulated by a parking meter to be eligible for this exemption. An alternative fuel vehicle with GVWR less than

10,000 pounds or a hybrid vehicle parked in a space regulated by a meter shall have city issued identification posted on the left rear bumper or the left rear window that authorizes the exemption set forth in this paragraph. An alternative fuel vehicle with GVWR less than 10,000 pounds or a hybrid vehicle shall not be parked in a space regulated by a meter beyond the maximum time allowed by the parking meter. After the maximum time has been exceeded the vehicle cannot park in that space free of charge for 8 hours.

(C) Within 90 days of the adoption of these divisions (B) - (C), the Mayor shall develop the following:

- (1) a form of identification to post on the vehicles;**
- (2) the procedures to issue such identification; and**
- (3) a training program for police officers and other City employees authorized to issue parking citations.**

(D) To qualify for an exemption for an alternative fuel vehicle with GVWR less than 10,000 pounds, the owner must present to the City's Parking Division a manufacturer's certification that the vehicle is an alternative fuel vehicle with GVWR less than 10,000 pounds.

(E) Applicant shall certify on the application that the vehicle shall be fueled with alternative fuels at least 80% of the time. Applicant shall also agree to provide records necessary for audit purposes should the City elect to audit applicant's use of the vehicle, including fuel receipts for the previous twelve-month period and access to the vehicle.

(F) PENALTY. Any applicant who falsely applies under Sub-section (E) or who falsifies records provided to the City for purposes of securing the permit or in the audit process shall be subject to the penalties provided in Section 1-1-99 ROA 1994. Each false record submitted shall be deemed a separate violation.

(G) These divisions (B) and (C) shall sunset June 1, 2011."

Section 3. SEVERABILITY CLAUSE. If any section, paragraph, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the

validity of the remaining provisions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 4. COMPILATION. This Ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico.

Section 5. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.

